

REMARKS

This Amendment is in response to the Office Action mailed 06/13/2006. In the Office Action, the Examiner rejected claims 1-37, and 41-46 under 35 U.S.C. § 103. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

Rejection Under 35 U.S.C. § 103

1. The Examiner rejects claims 1-37, and 41-46 under 35 U.S.C. § 103(a) as being unpatentable over Cook, (US Patent No. 6496744) in view of Ludwig et al., (US Patent No. 6816904).
2. Regarding claim 1, the Examiner asserts that Ludwig teaches providing file transfer notification to a second device, across the one or more networks (Ludwig, col. 29, l.1-8). Applicant has amended claim 1 to provide that the file transfer is across a first network of a first type and that the file transfer notification is across a second network of a second type different from the first type. Applicant respectfully submits that Cook and Ludwig fail to disclose providing a file transfer notification across a second network of a second type different from the first type.
3. Regarding claim 2, applicant relies on the patentability of the claims from which this claim depends to traverse the rejection without prejudice to any further basis for patentability of this claim based on the additional elements recited.
4. Regarding claim 3, applicant relies on the patentability of the claims from which this claim depends to traverse the rejection without prejudice to any further basis for patentability of this claim based on the additional elements recited.
5. Regarding claim 4, applicant relies on the patentability of the claims from which this claim depends to traverse the rejection without prejudice to any further basis for patentability of this claim based on the additional elements recited.
6. Regarding claim 5, applicant relies on the patentability of the claims from which this claim depends to traverse the rejection without prejudice to any further basis for patentability of this claim based on the additional elements recited.
7. Regarding claim 6, applicant relies on the patentability of the claims from which this claim depends to traverse the rejection without prejudice to any further basis for patentability of this claim based on the additional elements recited.
8. Regarding claim 7, applicant relies on the patentability of the claims from which this claim depends to traverse the rejection without prejudice to any further basis for patentability of this claim based on the additional elements recited.
9. Regarding claim 8, applicant relies on the patentability of the claims from which this claim depends to traverse the rejection without prejudice to any further basis for patentability of this claim based on the additional elements recited.

10. Regarding claim 9, applicant relies on the patentability of the claims from which this claim depends to traverse the rejection without prejudice to any further basis for patentability of this claim based on the additional elements recited.

11. Regarding claim 10, applicant has amended the claim to provide that the first device, from which the files are received, is Internet enabled and that the second device, to which the notification is provided, is non-Internet enabled. Applicant respectfully submits that Cook and Ludwig fail to disclose providing notification to a non- Internet enabled device.

12. Regarding claim 11, applicant has cancelled the claim.

13. Regarding claim 12, applicant relies on the patentability of the claims from which this claim depends to traverse the rejection without prejudice to any further basis for patentability of this claim based on the additional elements recited.

14. Regarding claim 13, the Examiner asserts that Cook further discloses the method of claim 1, wherein the second device is telephony enabled (Cook, col. 2, l. 18-19). Applicant respectfully disagrees. Applicant understands the cited portion of Cook to disclose that orders may be received by telephone which does not disclose providing a file transfer notification by telephone when the files are received at the storage location.

15. Regarding claim 14, the Examiner asserts that Ludwig further discloses the method of claim 1, wherein the second device is selected from the group consisting of pager, telephone, fax, answering machine and telephony-enabled PDA differing from the first device being a computer (Ludwig, col. 4, l. 40-45). Applicant respectfully disagrees. Applicant understands the cited portion of Ludwig to disclose various stored-video application programs. Applicant respectfully submits that none of the claimed group for the second device is a stored-video application program.

16. Regarding claim 15, applicant has cancelled the claim.

17. Regarding claim 16, applicant relies on the patentability of the claims from which this claim depends to traverse the rejection without prejudice to any further basis for patentability of this claim based on the additional elements recited.

18. Regarding claim 17, applicant relies on the patentability of the claims from which this claim depends to traverse the rejection without prejudice to any further basis for patentability of this claim based on the additional elements recited.

19. Regarding claim 18, applicant has amended the claim to provide that the second network, which receives a file transfer notification by telephone when the files are received at the storage location, is the PSTN. Applicant respectfully submits that Cook does not disclose providing a file transfer notification by telephone when the files are received at the storage location.

20. Regarding claim 19, applicant relies on the patentability of the claims from which this claim depends to traverse the rejection without prejudice to any further basis for patentability of this claim based on the additional elements recited.

21. Regarding claim 20, the Examiner asserts that Cook further discloses the method of claim 19, wherein VPN is implemented (Cook, col. 8, l. 26-33, VPN is defined as a wide area network formed of permanent virtual circuits on another network such as ATM. Microsoft Computer Dictionary) Applicant respectfully disagrees. Virtual Private Network (VPN) is implemented as a wide area network formed of permanent virtual circuits on another network such as ATM. However, a VPN further requires running protocols such that the VPN appears to VPN nodes as an isolated network not being shared with other network traffic. Applicant understands the cited portion of Cook to disclose a LAN carried on Ethernet physical media which is not a disclosure of a VPN.

22. Regarding claims 21-30, the Examiner asserts that these claims have similar limitations as claims 1, 3-4, 10-11, 16, and 19 and therefore are rejected for the same reasons set forth in the rejection of claims 1, 3-4, 10-11, 16, and 19. Applicant likewise has similarly amended these claims and traverses this rejection for the same reasons set forth in the traverse of claims 1, 3-4, 10-11, 16, and 19.

23. Regarding claims 31-33, the Examiner asserts that these claims have similar limitations as claims 21-22 and therefore are rejected for the same reasons set forth in the rejection of claims 21-22. Applicant likewise has similarly amended these claims and traverses this rejection for the same reasons set forth in the traverse of claims 21-22.

24. Regarding claim 34, applicant relies on the patentability of the claims from which this claim depends to traverse the rejection without prejudice to any further basis for patentability of this claim based on the additional elements recited.

25. Regarding claim 35, applicant has amended this claim to have similar limitations as claim 1 and traverses this rejection for the same reasons set forth in the traverse of claim 1.

26. Regarding claim 36, applicant relies on the patentability of the claims from which this claim depends to traverse the rejection without prejudice to any further basis for patentability of this claim based on the additional elements recited.

27. Regarding claim 37, the Examiner asserts that Cook further discloses the machine-readable medium of claim 35 having further executable instructions for performing a method, wherein the media transfer notification confirms a successful file transfer into an archive (Cook, col. 9, l.1-22, here is retrieved from directory and into working file i.e. "archive" and ready for download.). Applicant respectfully disagrees. The Examiner equates a working file to an archive but a working file connotes a storage location that used for a transient working copy while an archive connotes a storage location of a particularly enduring nature not associated with an immediate use. Further, applicant is unable to find anything within the cited portion of Cook that discloses anything that could be considered a media transfer notification.

28. Regarding claims 41-42, the Examiner asserts that these claims have similar limitations as claims 35-36 and therefore are rejected for the same reasons set forth in the rejection of claims 35-36. Applicant likewise has similarly amended these claims and traverses this rejection for the same reasons set forth in the traverse of claims 35-36.

29. Regarding claim 43, applicant relies on the patentability of the claims from which this claim depends to traverse the rejection without prejudice to any further basis for patentability of this claim based on the additional elements recited.

30. Regarding claim 44, applicant relies on the patentability of the claims from which this claim depends to traverse the rejection without prejudice to any further basis for patentability of this claim based on the additional elements recited.

31. Regarding claim 45, the Examiner asserts that Ludwig further discloses the system of claim 41, wherein the first device is the same device as the second device is a cellular telephone (Ludwig, col. 15, l. 58-59). Applicant respectfully points out that the claim is directed to the first device being a computer which is distinct from the second device being a cellular telephone.

32. Regarding claim 46, the Examiner asserts that Ludwig further discloses the method of claim 1, wherein the second device is selected from the group consisting of pager, telephone, fax, answering machine and telephony-enabled PDA differing from the first device being a computer (Ludwig, col. 4, l. 40-45). Applicant respectfully disagrees. Applicant understands the cited portion of Ludwig to disclose various stored-video application programs. Applicant respectfully submits that none of the claimed group for the second device is a stored-video application program.

Applicant respectfully requests that the Examiner withdraw the rejection of claims 1-37, and 41-46 under 35 U.S.C. § 103(a) as being unpatentable over Cook in view of Ludwig.

Conclusion

Applicant reserves all rights with respect to the applicability of the doctrine of equivalents. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. If any other petition is necessary for consideration of this paper, it is hereby so petitioned. Please charge any shortage in fees in connection with the filing of this paper, including extension of time fees, to Deposit Account 02-2666 and please credit any excess fees to such deposit account.

Respectfully submitted,

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Dated: 09/13/2006

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